

Correspondence between  
Mr. Monroe and Mr. Canning,  
and between  
Mr. Madison and Mr. Rose

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# REPORT

OF THE

COMMITTEE TO WHOM WAS REFERRED

THE

## CORRESPONDENCE

BETWEEN

MR. MONROE AND MR. CANNING,

AND BETWEEN

MR. MADISON AND MR. ROSE,

RELATIVE TO THE ATTACK ON THE CHESAPEAKE;

AND ALSO

## A COMMUNICATION

FROM

*THE PRESIDENT OF THE UNITED STATES*

OF THE 30 MARCH LAST,

WITH A LETTER FROM MR. ERSKINE TO THE  
SECRETARY OF STATE, AND A LETTER FROM  
M. CHAMPAGNY TO GEN. ARMSTRONG.

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APRIL 16, 1808.

PRINTED BY ORDER OF THE SENATE.

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1808.



IN SENATE  
OF  
*THE UNITED STATES.*

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APRIL 16th, 1808.

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MR. ANDERSON, from the committee to whom was referred, on the 4th instant, the correspondence between Mr. Monroe and Mr. Canning, and between Mr. Madison and Mr. Rose, relative to the attack made upon the frigate Chesapeake, by the British ship of war Leopard—and also the communications made to the Senate, by the President of the United States, on the 30th day of March last, containing a letter from Mr. Erskine to the secretary of state, and a letter from Mr. Champagny to General Armstrong,

*REPORTED:*

THAT on a review of the several orders, decrees and decisions of Great Britain and France, within the period of the existing war, it appears, that previous to the measures referred to in the letters from Mr Erskine to the secretary of state, and from Mr. Champagny to General Armstrong, various and heavy injuries, have been committed against the neutral commerce and navigation of the United States, under the following heads :

1st. The British order of June, 1803, unlawfully restricting the trade of the United States, with a certain portion of the unblockaded ports of her enemies, and condemning vessels with innocent cargoes,

on a return from ports where they had deposited contraband articles.

2d. The capture and condemnation, in the British courts of admiralty, of American property, on a pretended principle, debarring neutral nations from a trade with the enemies of Great Britain, interdicted in time of peace. The injuries suffered by the citizens of the United States, on this head, arose, not from any public order of the British council, but from a variation in the principle, upon which the courts of admiralty pronounced their decisions. These decisions have indeed again varied, without any new orders of council being issued; and in the higher courts of admiralty, some of the decisions which had formed the greatest cause for complaint, have been reversed, and the property restored. There still remains, however, a heavy claim of indemnity for confiscations, which were made during the period of these unwarrantable decisions, and for which all negotiation has hitherto proved unavailing.

3d. Blockades notified to the minister of the United States at London, and thence made a ground of capture, against the trade of the United States, in entire disregard of the law of nations, and even of the definition of legal blockades, laid down by the British government itself. Examples of these illegitimate blockades, will be found in the notifications of the blockade of May 16th, 1806, of the coast from the river Elbe to Brest inclusive—blockade of 11th May, 1807, expounded 19th June, 1807, of the Elbe, Weser, and Ems, and the coast between the same—blockade 11th May, 1807, of the Dardanelles and Smyrna—blockade of 8th January, 1808, of Carthage, Cadiz, and St. Lucar, and of all the intermediate ports between Carthage and St. Lucar, comprehending a much greater extent of coast, than the whole British navy could blockade, according to the established law of nations.

4th. To these injuries immediately authorised by the British government, might be added other spurious blockades by British naval commanders, particularly that of the island of Curracoa, which for a very considerable period, was made a pretext for very extensive spoliation on the commerce of the United States.

5th. The British proclamation of October last, which makes it the duty of the British officers to impress from American merchant vessels, all such of their crews as might be taken or mistaken for British subjects—those officers being the sole and absolute judges in the case.

For the decrees and acts of the French government, violating the maritime law of nations, in respect to the United States, the committee refer to the instances contained in the report of the secretary of state, January 25th, 1806, to the Senate, in one of which, viz. a decree of the French Gen. Ferrand, at St. Domingo, are regulations sensibly effecting the neutral and commercial rights of the United States.

The French act next in order of time is the decree of November 21, 1806—declaring the British isles in a state of blockade, and professing to be a retaliation, on antecedent proceedings of Great Britain, violating the law of nations.

This decree was followed, first by the British order of January, 1807, professing to be a retaliation on that decree, and subjecting to capture the trade of the United States, from the port of one belligerent, to a port of another; and secondly, by the orders of November last, professing to be a further retaliation on the same decree, and prohibiting the commerce of neutrals, with the enemies of Great Britain, as explained in the aforesaid letter of Mr. Erskine.

These last British orders again, have been followed by the French decree of December 17th, purporting to be a retaliation on the said orders, and to

be put in force against the commerce of the United States, as stated in the aforesaid letter of Mr. Champagne.

The committee forbear to enter into a comparative view of those proceedings, of the different belligerent powers, deeming it sufficient to present the materials, from which it may be formed. They think it their duty, nevertheless, to offer the following remarks, suggested by a collective view of the whole.

The injury and dangers resulting to the commerce of the United States, from the cause and increase of these belligerent measures, and from similar ones adopted by other nations, were such as first to induce the more circumspect of our merchants and ship owners, no longer to commit their property to the high seas, and at length to impose on Congress the indispensable duty of interposing some legislative provision, for such an unexampled state of things.

Among other expedients out of which a choice was to be made, may be reckoned—

- 1st. A protection of commerce by ships of war.
- 2d. A protection of it by self armed vessels.
- 3d. A war of offence as well as of defence.
- 4th. A general suspension of foreign commerce.
- 5th. An embargo on our vessels, mariners and merchandize.

This last was adopted, and the policy of it was enforced, at the particular moment, by accounts quickly after confirmed, of the British orders of November, and by the probability that these would be followed, as has also happened, by an invigorated spirit of retaliation, in other belligerent powers. The happy effect of the precaution is demonstrated by the well known fact, that the ports of Europe are crowded with captured vessels of the United States, unfortunately not within the reach of the precaution.

With respect to a protection of our commerce by ships of war, it must be obviously impracticable, in any material degree, without a lapse of time, and an expense which amounts to a prohibition of that resort ; besides that it would necessarily involve hostile collisions with one or more of the belligerent powers.

Self armed merchantmen would have the same tendency, at the same time, that they would be utterly inadequate to a security against the multiplied fleets and cruizers to be encountered.

An entire suspension of foreign commerce, as the resort in the first instance, would evidently have produced some inconveniences, not incident to the embargo, as it was modified. But the committee do not suppress their opinion, that after a reasonable time, it may not improperly take the place of the embargo ; in case of a protracted adherence of the belligerent powers, to their destructive proceedings against our neutral commerce.

With respect to a resort to war, as a remedy for the evils experienced, the committee will offer no other reflection, than that it is in itself so great an evil, that the United States have wisely considered peace and honest neutrality, as the best foundation of their general policy. It is not for the committee to say under what degree of aggravated injuries, and sufferings, a departure from this policy may become a duty ; and the most pacific nation find itself compelled to exchange for the calamities of war, the greater distresses of longer forbearance.

In the present state of things, the committee cannot recommend any departure from that policy which withholds our commercial and agricultural property, from the licensed depredations of the great maritime belligerent powers. They hope that an adherence to this policy will eventually secure to us the blessings of peace, without any sacrifice of our national rights ; and they have no doubt, that it will be sup-

ported by all the manly virtue, which the good people of the United States have ever discovered, on great and patriotic occasions. But the committee would suggest, on this subject, that better councils in the belligerent governments, producing a juster conduct towards neutral nations, would render a continuance of the embargo unnecessary, and that it will be a provident measure to vest in the executive a power, in such an event, to suspend until the next session of Congress, wholly, or in part, the several acts prohibiting the departure of our vessels for foreign ports.

Although the committee have abstained from entering into any particular comparison, of the proceedings of the French and British governments, towards the United States; they cannot reconcile with their duty, or with the just sensibility of the nation, not to advert to the tenor and language of the late communications, made by the respective organs of those governments.

In the letter of Mr. Champagny, the United States are not only threatened with confiscation, as the final destiny of American property, seized under French decrees, unless disposition shall be manifested by them against Great Britain, satisfactory to France, but they are even declared, without reserve of any sort, to be actually in a state of war against Great Britain.

In the letter of Mr. Erskine to the secretary of state, the United States are explicitly charged with justly-subjecting their commerce to confiscations under the British orders, by not opposing an effectual resistance against the decrees of France; in other words, by not making war against that nation, in case no other interposition should be effectual.

There are in this exposition of the British orders, certain features, which claim particular attention; among the regulations of which they consist, it is provided, that the commerce of the United States,

bound from their own ports to its legal and ordinary markets, shall pass through British ports, shall there in all cases, take their clearances from British officers, shall, in some cases, obtain special licenses, and in others, pay a direct and avowed tax ; thus putting the United States on a commercial footing, even worse than was allowed to British colonies—which were left free to carry their exports directly to foreign markets, in cases where an intermediate voyage to the parent country would be too oppressive. In the present case, not a single article is permitted to be sent from the United States to the most southern parts of Europe, without a previous voyage to Great Britain, and in some instances, not without purchasing even that privilege, without paying a tribute to the British treasury.

The committee have taken into consideration the documents relating to the attack on the frigate Chesapeake ; but they have not deemed it their duty, in the actual posture of that subject, to make any other remark, than that it strengthens the motives for persevering in all the provisional and precautionary measures hitherto contemplated.

The committee finally beg leave to submit the following resolutions :

**RESOLVED**, That the committee do bring in a bill, authorising the President of the United States, in the event of such peace or suspension of hostilities between the belligerent powers of Europe, or of such changes in their measures affecting neutral commerce, as may render that of the United States sufficiently safe in his judgment, to suspend the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto, under such exceptions and restrictions, as the public interest and circumstances of the case may appear to require : *Provided*, Such suspension shall not extend beyond                    days after the commencement of the next session of Congress.

*Resolved*, That the committee do bring in a bill, authorising the President of the United States to suspend the operation of the several acts prohibiting the importation of certain goods, wares and merchandize, if in his judgment the public interest should require it: *Provided*, That such suspension shall not extend beyond                    days after the commencement of the next session of Congress.

*Resolved*, That the committee be instructed to report a bill, prohibiting after the                    day of all commercial intercourse with such of the belligerent nations, whose edicts against the neutral commerce of the United States may render such prohibition expedient.

*Resolved*, That the committee be further instructed to report a bill, expatriating all citizens of the United States, commanding ships or vessels of the United States, who shall be convicted of voluntarily accepting any license, or paying any tax, in conformity to the British orders of council, of the 11th of November last.

*Resolved*, That the committee be further instructed to report a bill, imposing on the navigation and commerce of foreign nations, restrictions corresponding with the restrictions imposed by them respectively, on the commerce and navigation of the United States.

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